

JAP:DMP

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M 12- 079

- - - - -X

UNITED STATES OF AMERICA

- against -

JAMES McLAUGHLIN

AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE EASTERN
DISTRICT OF VIRGINIA

(Fed. R. Crim. P. 5(c))

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

PATRICK LIN, being duly sworn, deposes and says that he is a Deputy United States Marshal with the United States Marshals Service, duly appointed according to law and acting as such.

Upon information and belief, on or about September 1, 2011, an arrest warrant was issued by the United States District Court for the Eastern District of Virginia, commanding the arrest of the defendant JAMES McLAUGHLIN, for violating the terms and conditions of his supervised release by using cocaine, opiates and methodone and by failing to comply with drug treatment, as set forth more fully in the attached Petition on Supervised Release.

The source of your deponent's information and the grounds for his belief are as follows:

1. On or about September 1, 2011, an arrest warrant was issued by the United States District Court for the Eastern District of Virginia, commanding the arrest of the defendant JAMES McLAUGHLIN, for violating the terms and conditions of his supervised release. The arrest warrant was issued in connection

with a Petition on Supervised Release (the "Petition"). A copy of the arrest warrant and Petition are attached hereto as Exhibit A.

2. The defendant JAMES McLAUGHLIN is currently being supervised by the United States Probation Office in the Eastern District of New York. As set forth in the Petition, McLAUGHLIN was convicted in the Eastern District of Virginia of conspiracy to distribute and possession with intent to distribute 50 grams or more of crack cocaine. He was sentenced on February 7, 1997, to 292 months' custody followed by 5 years' supervised release. Following his release from custody, McLAUGHLIN has been residing in Brooklyn, New York, and is being supervised by United States Probation Officer Carrie H. Borona in the Eastern District of New York.

3. Prior to the defendant's arrest, the Probation Department in the Eastern District of New York provided an address, date of birth, and social security number for JAMES McLAUGHLIN on Spencer Place in Brooklyn, New York. That address was confirmed by other law enforcement databases. Members of the arrest team also had a 2007 photograph of McLAUGHLIN provided by the Bureau of Prisons.

4. Members of the arrest team went to JAMES McLAUGHLIN's address on Spencer Place this morning. At that address, the arrest team located an individual who appeared to be the same individual as depicted in the 2007 photograph from the Bureau of Prisons. That individual stated that his name was

JAMES McLAUGHLIN. He gave his date of birth and social security number, which matched the information in the Probation Department records. McLAUGHLIN also provided a New York State issued benefits card that showed his name, date of birth, and photograph. In addition, McLAUGHLIN stated that he was on supervised release and was being supervised by United States Probation officer Carrie Borona. United States Marshals took fingerprints of the defendant following his arrival at the cell block this morning, and those fingerprints matched the fingerprints of JAMES McLAUGHLIN from his conviction in the Eastern District of Virginia.

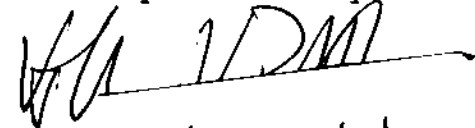
5. It is the desire of the United States Attorney for the Eastern District of Virginia that the defendant JAMES McLAUGHLIN be removed to that district for prosecution.

WHEREFORE, it is requested that the defendant JAMES McLAUGHLIN be removed to the Eastern District of Virginia so that he may be dealt with according to law.



PATRICK LIN
Deputy United States Marshal

Sworn to before me this
25th day of January, 2012



THE H
UNITED
EASTERN

S/Pohorelsky
POHORELSKY
JUDGE
ORK

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

United States of America
v.

Case No. 1:96-cr-00439

James McLaughlin
Defendant

ARREST WARRANT

Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) James McLaughlin

who is accused of an offense or violation based on the following document filed with the court:

Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ ComplaintProbation Violation Petition ☒ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

The offense is briefly described as follows:

See Attached Petition

Date: 09/01/2011

City and state: Alexandria, VA

Kathy Roberts
Issuing officer's signatureKathy Roberts -- Deputy Clerk
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
(city and state) _____Date: _____
Arresting officer's signature

Printed name and title

Prob 12A
(Mod. For E.VA 07/07)

UNITED STATES DISTRICT COURT
For
EASTERN DISTRICT OF VIRGINIA

U.S.A. vs. James McLaughlin

Docket No. 1:96CR00439-001

Petition on Supervised Release

COMES NOW Stanley E. Leigh, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of James McLaughlin, who was placed on supervised release by the Honorable James C. Cacheris, sitting in the Court at Alexandria, Virginia, on the 7th day of February, 1997, who fixed the period of supervised release at 5 years, and imposed the general terms and conditions heretofore adopted by the Court and also imposed special conditions and terms as follows: 1) The defendant shall participate as directed and approved by the probation officer for treatment of narcotic addiction, drug dependency or alcohol dependency, which includes urinalysis or other drug detection measures and which may require residence and/or participation in a residential treatment facility as well as assisting in paying for the cost of urinalysis testing and/or counseling and 2) The defendant shall pay a \$100.00 special assessment in full immediately.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

PRAYING THAT THE COURT WILL ORDER a warrant to be issued directing that the offender appear before the Court to show cause why supervision should not be revoked.

ORDER OF COURT

Considered and ordered this 3/5th
day of August, 2011 and
ordered filed and made a part of the
records in the above case.

James C. Cacheris
James C. Cacheris
U.S. District Judge

I declare under penalty of perjury
that the foregoing is true and
correct.

Executed on 8/26/11

Stanley Leigh
Stanley E. Leigh
U.S. Probation Officer

Place: Alexandria, Virginia

Petition on Supervised Release

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RE: MCLAUGHLIN, James

OFFENSE: 1) Conspiracy to Distribute and Possession With Intent to Distribute 50 Grams or More of Crack Cocaine

SENTENCE: On February 7, 1997, the defendant appeared before Your Honor for sentencing on a charge of Conspiracy to Distribute and Possession With Intent to Distribute 50 Grams or More of Crack Cocaine. He was sentenced to two hundred and ninety-two (292) months in the U.S. Bureau of Prisons to be followed by five (5) years supervised release with the special conditions noted above.

On January 7, 2011, Your Honor approved a No Action Recommendation based on the defendant's arrest on December 6, 2009, for Aggravated Unlicensed Operation of a Motor Vehicle, 3rd Degree in Kings County Criminal Court in New York.

ADJUSTMENT TO SUPERVISION: The defendant is being supervised by the U.S. Probation Office in the Eastern District of New York. The defendant resides alone at 2 Spencer Place, #1F, Brooklyn, New York 11216. The defendant suffered a stroke in May 2010 and is required to take several medications daily to assist with his medical needs. The defendant has no feeling in one of his arms and is unable to independently move the arm. He has been receiving follow up medical care and physical therapy. Due to his medical issues, Mr. Laughlin is unemployed. The defendant is awaiting a decision by the Social Security Administration regarding the amount of disability compensation he will receive.

Additionally, the defendant is also facing housing challenges. He is presently working with the New York City Housing Court to pay approximately \$1,000 in rental arrearages to avoid eviction. Mr. Laughlin receives food stamps but no other public assistance.

The United States Probation Office had arranged for the defendant to be transported to the Daytop Manor House, inpatient drug treatment facility in Rhinebeck, New York, upon his successful completion of detoxification at ACI. However, the defendant failed to complete the detoxification program, and he has not contacted the probation office.

VIOLATIONS: The following violations are submitted for the Court's consideration.

STANDARD CONDITION #7: USE OF COCAINE, OPIATES AND METHADONE

On June 29, 2011, Mr. McLaughlin tested positive for cocaine, morphine and methadone. On July 12, 2011, the defendant admitted to snorting cocaine and heroin, and drinking another individual's methadone dose.

On July 21, 2011, the defendant tested positive for cocaine, morphine and methadone.

All of the noted findings were confirmed by Alere Toxicology Services.

Petition on Supervised Release

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RE: MCLAUGHLIN, James

SPECIAL CONDITION #: FAILURE TO COMPLY WITH DRUG TREATMENT

Mr. McLaughlin was referred to the Areba Casriel Institute (ACI) detoxification treatment facility in New York, New York, due to his drug use. He reported as directed on July 13, 2011, but he left the program against medical advice on July 14, 2011.

During an office visit on July 25, 2011, the defendant was instructed to report on July 26, 2011, for detoxification at ACI. Mr. McLaughlin reported to ACI as instructed, but he left the program against medical advice on July 31, 2011.

SEL/cdo

